



Town Administrator's Office

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Memorandum

Date: July 23, 2015

To: LUPI Committee

From: Matt Wojcik

RE: Minutes of July 9, 2015 meeting of the Committee

The meeting was called to order at 6:42 PM in Town Hall Town Council chambers.

The Chair noted the presence of a quorum, made up of the Chair (Town Administrator), Code Enforcement Official Neil Hall, Town Solicitor Peter Skwirz, and Town Councilor Brett Pelletier. From the outset of the meeting the public attendees included Town Planner Marc Rousseau, Conservation Commission Chair Trish Hilton and Town Councilor Peter Mello. Later in the meeting, Planning Board member Rosemary Eva joined the group.

Councilor Pelletier moved the adoption of the previous meeting's minutes. Motion seconded by the Chair and passed by a unanimous vote.

The Committee then engaged in discussion regarding the purpose and text of abutters' notification letters in the zoning process (agenda item #1). This is a leftover item from a public comment session list and had not been addressed at any other level to this point.

Councilor Mello noted from the audience that many people receiving an abutter's letter do not know what to do; he expressed the opinion that abutters should be able to participate in public hearings on zoning issues without having to have a lawyer present. Mr. Hall stated that the Code Enforcement Officer should not be put into a position of having to say too much either in the letter or at a hearing, since his duty is to enforce and not make policy or appear to be helping either side of a controversial issue. Mr. Skwirz noted that informing people of the meeting time and place, their right to be heard and to appeal are all the points legally required of notice letters.

Councilor Mello countered that people need to know how to respond to expert testimony at a formal hearing. Ms. Hilton advised that a one page FAQ sheet could be provided that will help people understand the basics. The Chair noted that while the current letter may be sufficient for a lawyer, it does not help people who are not familiar with zoning procedures. Mr. Hall picked up on the FAQ sheet idea and suggested the same text be posted on the Town website.

Discussion ensued on how to best utilize a script / consistent explanation of the process. Councilor Mello suggested a short online video explaining people's rights. Councilor Mello and Mr. Hall agreed the "script" should be provided to the Building Office clerk as well.

Discussion turned to the role of expert witnesses in the Zoning Board process. Councilor Pelletier and Solicitor Skwirz offered views on dueling experts, and how abutters can be advised to contradict qualified expert witness on the record.

Conversation returned to the main topic, provision of information to abutters, either in the abutters' letter or other sources. Mr. Hall suggested the Town would be able to adopt an approach and perhaps some of the language from the "how to" pamphlets in use by officials in Falmouth, MA.

Consensus was the various town officials present would obtain and review drafts of documents that could be used to improve the notice and basic information resources of the zoning official. Information on progress made to be presented at the next meeting.

Discussion turned to agenda item #2, basic process education requirements for volunteer board members and full time staff of relevant departments. Several speakers noted that the education program must be driven by local issues and focus on Tiverton's own regulations, bringing in general concepts only as needed. At the same time, concern was expressed that education and training cannot take current cases or controversies on directly, as that would be problematic from the open meetings / due process standpoint.

The Solicitor was requested to take into consideration the topics raised when designing an education program for local officials. The item was not discussed to conclusion given the hour.

Councilor Pelletier moved adjournment, seconded by Mr. Hall, unanimous. Meeting adjourned at 8:21 PM.